

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

LANCE P. McDERMOTT,

CASE NO. C24-1734JLR

Plaintiff,

ORDER

V.

UNITED STATES POSTAL
SERVICE,

Defendant.

Before the court is Plaintiff Lance P. McDermott’s motion for reconsideration of the court’s January 16, 2025 minute order directing the Clerk to amend the caption of this matter to reflect that the United States Postal Service, rather than the Merit Systems Protection Board (“MSPB”), is the proper Defendant in this matter. (MFR (Dkt. # 20); *see* 1/16/25 Min. Order (Dkt. # 19).) Mr. McDermott asserts that the cases now before the court are “non-mixed cases” that do not involve allegations of disability discrimination and that, as a result, the MSPB is still the proper Defendant and that this

1 court's jurisdiction is still in question over his appeals. (See generally MFR.) The
2 Federal Circuit Court of Appeals, however, has determined that this matter is a "mixed
3 case" under 5 U.S.C. § 7702 and that jurisdiction is proper in this court. (See Fed. Cir.
4 Transfer Order (Dkt. # 1) at 2 ("We transfer this case because Mr. McDermott pursues
5 his discrimination claims and federal district courts, not this court, have jurisdiction over
6 so-called 'mixed cases[.]'").)

7 "Motions for reconsideration are disfavored" and the "court will ordinarily deny
8 such motions in the absence of a showing of manifest error in the prior ruling or a
9 showing of new facts or legal authority which could not have been brought to its attention
10 earlier with reasonable diligence." Local Rules W.D. Wash. LCR 7(h). Because the
11 second prong of this test does not apply to the court's *sua sponte* amendment of the
12 caption, Mr. McDermott must show manifest error in the court's January 16 order. This
13 he has failed to do. Therefore, the court DENIES Mr. McDermott's motion for
14 reconsideration (Dkt. # 20).

15 Dated this 27th day of January, 2025.

16
17 
18 JAMES L. ROBART
19 United States District Judge
20
21
22